

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VINCENT DEPASQUALE,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

3:11-cv-00191-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#34¹) entered on April 27, 2012, recommending granting in part and denying in part Defendants' Motion to Dismiss (#18) filed on October 17, 2011. No objections were filed to the Report and Recommendation. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#34) entered on April 27, 2012, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#34)

¹Refers to court's docket number.

1 entered on April 27, 2012, is adopted and accepted, and Defendant's Motion to Dismiss (#18) is
2 **GRANTED in part and DENIED in part** as follows:

- 3 ● Count 1 is **DISMISSED without prejudice** as to defendant **Martin**, but is allowed to
4 **PROCEED** as to defendant **Robertson**.
- 5 ● Count 2 is **DISMISSED without prejudice** as to defendants **McDaniel, Brooks** and
6 **Endel**, but is allowed to **PROCEED** as to defendants **LeGrand, Scott** and **Poag**.
- 7 ● Count 3 is **DISMISSED with prejudice**.

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9 IT IS SO ORDERED.

10 DATED this 6th day of July, 2012.



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13 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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